

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-16, 18-38, and 45-51 are pending in the application, with claims 1, 15, 30, 34, 35, 36, 49, 50, and 51 being the independent claims. Claim 49 is sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

The Examiner has rejected claim 49 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without acquiescing to the propriety of this rejection, Applicant seeks to amend claim 49 to recite “modifying, *by a computing device*, the access rights to the electronic file.” Accordingly, claim 49 is directed to statutory subject matter, and Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 49 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 103

Claims 1, 4, 15, 30, 37, 38, 45, 46, and 49-51

The Examiner has rejected claims 1, 4, 15, 30, 37, 38, 45, 46 and 49-51 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,754,665 to Futagami et al. (“Futagami”) in view of U.S. Patent Application Publication No. 2002/0156726 to Kleckner et al. (“Kleckner”), further in view of U.S. Patent Application Publication No.

2002/0062240 to Morinville (“Morinville”). Applicant respectfully traverses this rejection.

Claim 1 recites, *inter alia*, “determining, for at least one response received from the approvers, whether it remains possible for a quorum of the approvers to approve the requested security change.” Independent claims 15, 30, 49, 50, and 51 recite similar features, using respective language. The combination of Futagami, Kleckner, and Morinville fails to teach or suggest at least this feature of claim 1.

Applicant first notes that the aforementioned language was the basis of the Examiner’s allowance of September 29, 2010.¹ (Notice of Allowability of September 29, 2010, pp. 2 and 10). Applicant filed an amendment after allowance, together with a Request for Continued Examination, on November 19, 2010, which in part added new claims 49-51 including the aforementioned language. The instant rejection is raised by the Examiner over the same art applied in, e.g., the Final Office Action of May 6, 2010, despite the Examiner’s prior indication that the claims were allowable in light of the aforementioned language.

The several independent claims remain in condition for allowance over the combination of Futagami, Kleckner, and Morinville. In rejecting claim 1 over the combination of Futagami, Kleckner, and Morinville in the instant Office Action, the Examiner argues that “any system that stops the approval process once it is determined that one of the critical approvals have rejected the request, would disclose such a feature.” (Office Action, p. 3 (citing to Morinville, para. [0089])).

¹ Applicant reserves the right to argue allowability of claims for additional reasons.

Specifically, the cited portion of Morinville states that “[t]he approval process is complete when either all of the approvers have approved the request, or one of the *necessary approvers* has declined the request.” (Morinville, para. [0089]). This is different from, “determining, for at least one response received from the approvers, whether it remains possible for *a quorum of the approvers* to approve the requested security change,” as recited in claim 1. Specifically, the mechanism of having “necessary approvers,” as in Morinville, is different from the concept of a “quorum of the approvers.”

As the Examiner notes in the Office Action at p. 6, the Specification provides an example of the operation of a quorum, where “if an approver set has five approvers and *requires a quorum of three*, then if responses from three approvers have already denied approval, then approval by a *quorum* of approvers is no longer possible.” (U.S. Patent Application Publication No. 2005/0086531 at para. [0051]). In contrast, in Morinville, *even if* a quorum of approvers have approved a request², the request would nevertheless be denied if a single one of the “necessary approvers” declines the request. (Morinville, paras. [0088]-[0089]).

More particularly, the Examiner’s position that “any system that stops the approval once it is determined that one of the *critical approvals* have rejected the request, would disclose such a feature” (Office Action, p. 3 (referencing the cited portion of claim 1)) is incompatible with the claim language. Using the above example, if a quorum of three approvers (out of five) has denied approval, then approval by a quorum

² Morinville does not operate on a quorum mechanism as claimed, and this is used simply to illustrate how Morinville could decline a request, even if quorum were reached, *arguendo*, using a mechanism *other than* quorum.

is not possible. In the claim language, “determining, for at least one response received from the approvers, whether it remains possible for *a quorum of the approvers* to approve the requested security change,” it is possible to determine (based only on factors relevant to a “quorum”), the possibility of approval. In contrast, even if this same condition is true in Morinville, the approval process would *not* stop. Instead, Morinville could only stop the approval process early if one of the “necessary approvers” declines the request, *a condition which is unrelated to quorum.*

Accordingly, claim 1 is not rendered obvious by the combination of Futagami, Kleckner, and Morinville. Claims 15, 30, 49, 50, and 51 recite similar features, using respective language, and are likewise not rendered obvious by the combination of Futagami, Kleckner, and Morinville for at least the same reasons of claim 1, and further in view of their own respective features. Claims 4, 37, 38, 45, and 46 each depend from one of claims 1 and 30, and are likewise not rendered obvious for at least the same reasons as the corresponding claim from which they depend, and further in view of their own respective features.

Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 4, 15, 30, 37, 38, 45, 46 and 49-51 under 35 U.S.C. § 103(a).

Claims 2, 3, 5-14, 16, 18-29, 31-36, 47, and 48

The Examiner has rejected claims 2, 3, 5-14, 16, 18-29, 31-36, 47 and 48 under 35 U.S.C. § 103(a) as allegedly being obvious over Futagami, Kleckner and Morinville, further in view of U.S. Patent No. 7,131,071 to Gune et al. (“Gune”). Applicant respectfully traverses this rejection.

Independent claims 34-36 recite, “determining, for at least one response received from the approvers, whether it remains possible for a quorum of the one or more approvers to approve the requested security change” (claim 34; similar language in claims 35 and 36). For similar reasons to those noted above with regard to claim 1, the combination of Futagami, Kleckner, and Morinville fails to teach or suggest at least this feature of claims 34-36. Gune does not supply the missing teaching or suggestion, nor does the Examiner rely on Gune as allegedly supplying the missing teaching or suggestion. Accordingly, claims 34-36 are not rendered obvious by the combination of Futagami, Kleckner, Morinville, and Gune. Each of the remaining dependent claims depend from an independent claim that recites a variant of the aforementioned feature, which is not taught or suggested by the combination of Futagami, Kleckner, Morinville, and Gune.

Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 2, 3, 5-14, 16, 18-29, 31-36, 47 and 48 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Reply to Office Action of January 18, 2011

Michael Frederick KENRICH

Appl. No. 10/690,243

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Salvador M. Bezos
Attorney for Applicant
Registration No. 60,889

Date: *18 MAY 2011*

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
1309977_1.DOC